

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1555**

**Introduced by Assembly Member Nakano**

February 21, 2003

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An act to amend Section 654.05 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 1555, as amended, Nakano. Motorized recreational vessels.

Existing law prohibits the operation of motorized recreational vessels, in or upon the inland waters of this state, that exceed specified noise levels.

This bill would delete the limitation that *the* prohibition applies only to the operation of those vessels in or upon the inland waters of this state, and would revise the specified noise levels.

Because the bill would change the definition of, and expand the application of, a crime, the bill would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 654.05 of the Harbors and Navigation Code is amended to read:

654.05. (a) A person may not operate a motorized recreational vessel in a manner that exceeds the following noise levels:

(1) For engines manufactured before January 1, 1993, a noise level of ~~90 dB(A) when subjected to a stationary sound level test conducted in accordance with the Society of Automotive Engineers Standards of practice designated, SAE J2005: 90 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice SAE J2005 (Stationary Sound Level Measurement Procedure for Pleasure Motorboats).~~

(2) For engines manufactured on or after January 1, 1993, a noise level of ~~88 dB(A) when subjected to a stationary sound level test conducted in accordance with the Society of Automotive Engineers Standards of practice designated, SAE J2005: dB(A) when subjected to the Society of Automotive Engineers Recommended Practice SAE J2005 (Stationary Sound Level Measurement Procedure for Pleasure Motorboats).~~

(3) A noise level of 75 dB(A) measured ~~as specified in the Society of Automotive Engineers Standards of practice designated, SAE J1970 (Shoreline Sound Level as specified in the Society of Automotive Engineers Recommended Practice SAE J1970 (Shoreline Sound Level Measurement Procedure).~~ However, a measurement of noise level that is in compliance with this paragraph does not preclude the conducting of a test of noise levels under paragraph (1) or (2).

(b) The department may, by regulation, revise the measurement procedure when deemed necessary to adjust to advances in technology.

(c) This section does not apply to motorized recreational vessels competing under a local public entity or United States Coast Guard permit in a regatta, in a boat race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit. In addition, this section does not apply to motorized recreational vessels preparing for a race or regatta if authorized by a permit issued by the local

1 entity having jurisdiction over the area where the preparations  
2 occur.

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.

